

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 23094 of 2004

Between:

R. Surya Ramana S/o late R. Ramakrishna Rao
R/o D. No. 1-115, Gudem Village & Post, Srikakulam (Mandal), Srikakulam
District

..... PETITIONER

AND

- 1 The Government of Andhra Pradesh, rep by Secretary, School Education Department, Secretariat Building, Hyderabad
- 2 The Commissioner of Panchayat Raj & Rural Employment, Government of Andhra Pradesh, Himayathnagar, Hyderabad.
- 3 The District Educational Officer, Srikakulam, Srikakulam District.
- 4 The Chief Executive Officer, Z.P Srikakulam, Srikakulam District.
- 5 The District Collector, Srikakulam, Srikakulam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari call for the records relating to the proceedings in RC.No.6518/E1-II/2003 dated 24.9.2004 issued by the 3rd respondent and consequential letter No. 5167/2000/C4 dt 8-11-2004 issued by the 4th Respondent and orders passed in O.A. No. 6372 of 2004 dt 24-11-2004 and set a side the same as being illegal, arbitrary and violative of Principles of natural justice.

Counsel for the Petitioner: MR.P.SRINIVASULU

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following:

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ORAL ORDER:- (Per GB,J.)

This Writ Petition is filed against the order, dated 24.11.2004 passed by the Tribunal in O.A.No.6372 of 2004.

2. The petitioner was appointed as teacher on compassionate grounds on 6.1.2004. However, his services were terminated vide proceedings Rc.No.6518/El.11/2003, dated 24.9.2004 passed by the respondent No.3. The said proceedings came to be challenged before the Tribunal in O.A. The Tribunal refused to interfere with the said order and directed the Government to consider the appeal filed by the petitioner and pass appropriate orders within a period of one month from the date of receipt of a copy of the order. The said order was passed on 24.11.2004. Aggrieved by the said order, the present Writ Petition has been filed.

3. Learned counsel for the petitioner submits that the very termination order is illegal and contrary to law and the authority is bound to give an opportunity and also cause an enquiry and without conducting enquiry, the termination order ought not to have been passed.

4. We are afraid we cannot accept the contentions raised by the learned counsel. As the petitioner has already filed an appeal before the Government, the Tribunal directed the Government to dispose of the same and therefore, such an order can not be said to be illegal.

5. Accordingly, the Writ Petition is dismissed. No costs. However, the Government is directed to dispose of the appeal, if not already disposed of, within a period of four weeks from the date of receipt of a copy of this order. If the petitioner seeks any personal hearing, the Government shall also extend such facility to the petitioner.

Sd/-SHAIK JOHN BASHA

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Secretary, Government of Andhra Pradesh, School Education Department, Secretariat Building, Hyderabad
- 2 The Commissioner of Panchayat Raj & Rural Employment, Government of Andhra Pradesh, Himayathnagar, Hyderabad.
- 3 The District Educational Officer, Srikakulam, Srikakulam District.
- 4 The Chief Executive Officer, Z.P Srikakulam, Srikakulam District.
- 5 The District Collector, Srikakulam, Srikakulam District.

6 2 CCs to the G.P. for Services I, High Court of A.P., Hyderabad (OUT).

7 2 CD copies.

8. One cc to Mr.P.Srinivasulu,Advocate (OPUC)

TRk

HIGH COURT

DATED: 30.12.2004

ORDER:

W.P.NO.23094 OF 2004

DISMISSED NO COSTS